

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ANNA BARAN,

Plaintiff,

v.

ASRC MSE, *et al.*,

Defendants.

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Civil No. 23-cv-3370 (RBK-AMD)

ORDER

KUGLER, United States District Judge:

This matter having come before the Court upon Defendant Mission Solutions, LLC (improperly identified as “ASRC MSE”)’s Motion to Dismiss (ECF No. 9) and *pro se* Plaintiff Anna Baran’s Motion to Remand (ECF No. 15), and

THE COURT OBSERVING that Plaintiff previously filed a complaint in a related case before this Court against the same defendant that this Court dismissed with prejudice on December 14, 2023, *see Baran v. ASRC MSE*, No. 22-cv-4391 (D.N.J. Dec. 14, 2023) (hereinafter *Baran I*); and

THE COURT FURTHER OBSERVING that Plaintiff’s claims in the instant case center on the same underlying facts and events that were previously barred in *Baran I* under the doctrine of res judicata and New Jersey’s litigation privilege, *see id.* (Op. & Order, Mar. 3., 2023, ECF Nos. 13–14); and

THE COURT NOTING that *pro se* filings must be construed liberally, and the Court must be flexible and “apply the relevant legal principle even when the complaint has failed to name it,” *Vogt v. Wetzel*, 8 F.4th 182, 185 (3d Cir. 2021). However, *pro se* litigants must still

allege sufficient facts in their complaint to state a claim, and they may not “flout procedural rules” and “must abide by the same rules that apply to all other litigants,” *id.*; and

THE COURT FURTHER NOTING that the fact that a party relies on different theories of recovery or seeks different relief in each action “does not [automatically] render its claims different causes of action for res judicata purposes.” *United States v. Athlone Indus., Inc.*, 746 F.2d 977, 984 (3d Cir. 1984), and

THE COURT FURTHER NOTING that “[a]s part of its general power to administer its docket,” a district court may dismiss a duplicative complaint. *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976); *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en banc) (prohibiting a plaintiff from “maintain[ing] two separate actions involving the same subject matter at the same time in the same court and against the same defendant”); *see also Fabics v. City of New Brunswick*, 629 F. App’x 196, 198 (3d Cir. 2015) (citing the aforementioned cases); and

THE COURT FINDING that Plaintiff’s complaint contains substantially the same underlying events and series of transactions that have previously been barred by the doctrine of res judicata by an Order of this Court in a related case, *see Baran I* (Op. & Order, Mar. 3., 2023, ECF Nos. 13–14) and that the claims raised in the instant complaint do not render its claims different causes of action for res judicata purposes; and

THE COURT FURTHER FINDING that Plaintiff’s complaint involves substantially “the same subject matter at the same time in the same court and against the same defendant” and accordingly is duplicative of claims previously resolved in *Baran I*; and

THE COURT FURTHER FINDING that Plaintiff fails to raise a substantially new claim that has not already been barred by the doctrine of res judicata or New Jersey's litigation privilege in *Baran I*; and

THE COURT FURTHER FINDING that, because Defendants appropriately removed this action under 28 U.S.C. § 1442(a)(1) and the instant case is otherwise identical in posture to *Baran I*, Plaintiff's motion to remand fails for the same reasons as previously explained by this Court in that case, *see id.* (Op. & Order, Mar. 3., 2023, ECF Nos. 13–14); and therefore

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is **GRANTED**; and

IT IS HEREBY FURTHER ORDERED that Plaintiff's Motion to Remand is **DENIED**; and

IT IS HEREBY FURTHER ORDERED that the Clerk of Court shall **DISMISS** this action **WITHOUT PREJUDICE**. Plaintiff shall have fourteen (14) days to file an amended complaint.

Dated: 12/15/2023

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge